

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARGOT WARD, GEARLINE BANKS,)	
and PAMELA HEITMANN,)	
)	
Plaintiffs,)	
)	
v.)	Case No.:
)	
FLORISSANT VALLEY SHELTERED)	JURY TRIAL DEMANDED
WORKSHOP and PRODUCTIVE)	
LIVING BOARD for St. Louis County)	Removed from:
Citizens with Developmental Disabilities,)	Circuit Court of the County of St. Louis
)	Cause No. 19SL-CC01123
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant Florissant Valley Sheltered Workshop (“Florissant Valley”), and, pursuant to 28 U.S.C. Sections 1331, 1441 and 1446, hereby removes the subject action from the Circuit Court of St. Louis County, Missouri, to the United States District Court for the Eastern District of Missouri, Eastern Division. In support of removal to this Court, Defendant Florissant Valley states as follows:

1. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. Section 1331, and is one which may be removed to this Court pursuant to 28 U.S.C. Sections 1441 and 1446.
2. This action was originally filed on March 14, 2019 in the Circuit Court of St. Louis County, Missouri and assigned the case number 19SL-CC01123. Plaintiffs, Margot

Ward, Gearline Banks, and Pamela Heitmann, are convicted felons. In their initial petition, Plaintiffs alleged that Defendant Florissant Valley wrongfully discharged them because of their status as convicted felons, citing to violations of RSMo. Section 561.016. (Exhibit A, at 6, Plaintiffs' Petition for Wrongful Discharge.)

3. At Defendant's motion, the state court dismissed Plaintiffs' initial petition for failure to state a claim upon which relief may be granted. Plaintiffs were allowed to amend their pleading before February 13, 2020. (Exhibit A, at 40, Order and Judgment dated December 30, 2019.)

4. On February 13, 2020, Plaintiffs filed their First Amended Petition, in which Plaintiffs assert violations of 42 U.S.C. Section 1983 against Defendant Florissant Valley, and seek judicial review under RSMo. Section 536.150 of their termination by Florissant Valley. Plaintiffs allege that Florissant Valley is receiving funds from a state actor and is liable as such for violations of Plaintiffs' constitutional and civil rights under 42 U.S.C. Section 1983. (Exhibit A, at 46, Plaintiffs' First Amended Petition.)

5. Therefore, Plaintiffs are asserting a claim arising under the Constitution and laws of the United States and, as such, the action has become removable to this Court based on 28 U.S.C. Section 1441(b)(3) and is removable within 30 days from the date of February 13, 2020. 28 U.S.C. §§ 1441, 1446(b)(3). This removal is proper and timely.

6. The entire action is removable to this Court despite the relief requested under RSMo. Section 536.150. 28 U.S.C. § 1441(c)(1).

7. Plaintiffs also seek to join an additional defendant, Productive Living Board for St. Louis County Citizens with Developmental Disabilities (“Productive Living Board”). To date, Plaintiffs have not requested a summons for service upon Productive Living Board. Thus, this action is removable to this Court without regard to Productive Living Board’s consent. 28 U.S.C. § 1446(b)(1). (Exhibit B, State Court Docket Sheet.)

8. Venue is proper in this Court because this action was originally filed in the Circuit Court of St. Louis County, Missouri, which is within the United States District Court for the Eastern District of Missouri, Eastern Division. 28 U.S.C. § 1446(a).

9. Filed with this Notice of Removal, and attached as Exhibit A, is a true and accurate copy of all process, pleadings, and orders in the Circuit Court of St. Louis County action. 28 U.S.C. § 1446(a).

10. Defendant, simultaneously with the filing of this removal, has given written notice of the filing of this Notice of Removal to Plaintiffs, and will file a copy of the Notice of Removal with the Clerk of the Circuit Court of St. Louis County, Missouri.

11. The Civil Cover Sheet, Original Filing Form, and the Disclosure of Organizational Interests Certificate have been filed with and are attached to this Notice of Removal.

WHEREFORE, Defendant Florissant Valley respectfully notifies this Court that the above-captioned action has been removed from the Circuit Court of St. Louis County, Missouri, to this Court

BROWN & JAMES, P.C.

/s/ Steven H. Schwartz

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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2020, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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/s/ Steven H. Schwartz

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